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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 002287

SIPDIS

GENEVA FOR RMA
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SUBJECT: NEPAL-BHUTAN: UNHCR DIRECTOR CALLS FOR SOLUTION TO

REFUGEE ISSUE

REF: A. GENEVA 4707
B. GENEVA 4652
C. KATHMANDU 2207

¶1. (C) Summary: In November 26 meeting with donor representatives, Director of UNHCR's Bureau for Asia and the Pacific Jean-Marie Fakhouri attributed at least part of the blame for the recent sexual exploitation scandal (refs) to a complacent attitude among local UNHCR representatives, and promised to address what he views as a lack of proper contact between the refugee camps and UNHCR. Fakhouri also stated that bilateral efforts to resolve the problem of resettling the refugees have been exhausted, and that UNHCR is exploring the possibility of a multilateral solution by 2003. End summary.

REFUGEE SEX SCANDAL:

THE ROAD WAS PAVED WITH GOOD INTENTIONS

¶2. (C) In a November 26 meeting with donor reps, UNHCR Director for Asia and the Pacific Jean-Marie Fakhouri acknowledged that at least part of the responsibility for the eighteen cases of sexual exploitation recently exposed in the Bhutanese refugee camps of eastern Nepal (refs) rests on the shoulders of UNHCR officials, but that the situation which allowed the cases to go unnoticed was created with the best of intentions. In the "model camps" set up in Nepal, UNHCR representatives empowered refugees to manage their own affairs, and monitored the camps through a filter of NGOs, which hired refugees to fill many of their staff positions for education, health and other programs within the confines of the camps. The system was held up as an example to be emulated by other UNHCR projects around the world.

¶3. (C) Unfortunately, according to Fakhouri, the system was so successful that UNHCR representatives distanced themselves too far from direct administration. When allegations of sexual misconduct began to surface, they failed to take action, he said, characterizing the local representatives as having "put their feet up on their desks, leaned back in their chairs and said: the NGOs are managing it, all will be well." Camp committees were unable or unwilling to take action, however, possibly due to reluctance to admit the problem. Even now, said Fakhouri, one camp committee insisted to him no abuse had taken place in their own camp. At the same time, psychologists sent by UNHCR were interviewing victims just outside the meeting hall.

¶4. (C) Fakhouri used his explanation not as an excuse for inaction nor as a condemnation of the "model camps." On the contrary, he claimed that at least one camp committee had made UNHCR-Nepal aware of complaints as early as July 2001, and that the lack of follow-up by local representatives was under close scrutiny in Geneva. "From everything I've heard," he admitted, "the goal (of empowering the refugees) was reached. We have no intention of stripping the camp committees of their authority. But we intend to make sure that there is better structure, guidance and monitoring. We must regain the contact that we seem to have lost." He indicated that UNHCR plans to send a contingent of volunteers to increase its presence in the camps, and is already implementing an awareness campaign so that residents of the camps are aware of their rights and the system by which they can report complaints directly to UNHCR.

NEPAL MUST TAKE RESPONSIBILITY

¶5. (C) Fakhouri came to Nepal for meetings with Government officials to emphasize their responsibility for the security of refugees on their soil. Though pleased with the cooperation he has received thus far from police and Chief District Office officials in terms of investigating and prosecuting the known cases of sexual abuse, Fakhouri was unimpressed with the anemic police presence in the camps--five officers and one sub-inspector are assigned to each camp of fifteen to twenty thousand refugees and leave the camps at night. Claiming that most GON civil service posts with responsibility for the camps are vacant, Fakhouri

accused Nepalese authorities of having "disengaged" from the issue and of having made no real attempt to manage the refugees.

BILATERAL POSSIBILITIES "EXHAUSTED"

16. (C) In the same vein, Fakhouri said that "bilateralism has exhausted all of its possibilities," and related that ambassadors from countries friendly to Bhutan were already engaged in discussions in Geneva in search of an expeditious multilateral solution. "This has dragged on too long," he said. "Something has to be done soon, and by that I mean that we need to develop and present something by 2003." Stating that it is unrealistic to expect that all 100,000 refugees will go back to Bhutan or that all 100,000 will be accepted for resettlement in Nepal, he suggested the need for a burden-sharing package between the two countries, perhaps brokered by neighbors or friendly countries with an interest in helping the refugees return to Bhutan or be integrated into Nepal. He hinted that a "token resettlement to a third country" would be an attractive option at some point in the process to demonstrate good will by outside parties, but that the preferable solution would be first to try to reach an agreement between the two major protagonists.

17. (C) Comment: It is clear from Fakhouri's briefing that UNHCR is doing its utmost to be transparent and honest about the recent allegations of abuse, to admit that mistakes were made, and draw useful lessons from the unfortunate events. Also encouraging is apparent UNHCR interest in pursuing multilateral initiatives for solving the continuing deadlock between the GON and the Government of Bhutan. Embassy agrees that the Bhutanese-Nepalese refugee problem has persisted--and grown--long enough and should be soluble through creative international effort. Post will share our thinking about a possible formula for resolution septel.

MALINOWSKI